



Living By Truth

Masechet Ketubot opens by explaining that the money obligated in the *ketubah*, that must be paid in the advent of the husband's death or divorce, varies with the state of the bride at the time of *kidushin* (betrothal). We learn that if she was a *betulah* the value is two hundred *dinar*, otherwise it is one-hundred. The *Mishnayot* that follow, deal with cases where her state is contested. The sixth the *Mishnah* records the case where she admits that she was not a *betulah* at the time of *nisuin* (marriage). However, she claims that she was indeed a *betulah* at the time of *kidushin*, yet she was raped in the intervening time. The husband however claims that she was not a *betulah* at time of *kidushin* and he was misled, and is therefore not required to pay anything. According to *Rabban Gamliel* and *R' Eliezer* she is believed while *R' Yehoshua* disagrees.

The *Gemara* (12b) explains that *Rabban Gamliel* maintains that she is believed since her claim is a definite claim (*bari*) while the husband's is not (*shema*). Framing the case in this way alone would not be enough, since she is attempting to extract funds from the husband. Consequently, *Rabban Gamliel* combines this consideration with the fact, that since she was born as *betulah* it is her established *chazaka* – assumed status. These two considerations combined is enough for her to be believed. Alternatively, the *Gemara* explains that we combine the fact that this case is *bari* vs *shema* with the fact that she had a better claim – a *migo*. By claiming she was raped, she invalidates herself from marrying a *kohen*. A better claim would have been that during the intervening period she had a physical injury that caused her to longer appear as a *betulah*. In short, *Rabban Gamliel* understands that *bari* vs *shema* combined with this *migo* strengthens her case. *R' Yehoshua* however maintains that since she is attempting to extract funds, even the combined considerations are insufficient.

One should note however that when *R' Yehoshua* argues with *Rabban Gamliel* and *R' Eliezer* the *Mishnah* is quite verbose: "We do not live by her word (lit. mouth)! Rather, she is assumed to be a *be'ulah* even prior to betrothal and she tricked him until she can bring a proof that support her claim." The *Shita Mekubetzet* also notes that *Rabban*

Gamliel states "she is believed" rather than the more definite "*chayav*" (obligated) that we would expect. Why?

The *Shita Mekubetzet* explains that had the *Mishnah* stated *chayav* we would have thought that the husband was obligated to pay due to the weakness of the husband's position. In other words, we would have incorrectly thought that *bari* is stronger than *shema*, even when extracting funds. Consequently, the use of "she is believed" is an admission that we need to combine it with the *chazaka* or *migo* such that she is "believed". Against that *R' Yehoshua* counters, "we do not live by her word" to assert that *bari* is not stronger. He continues "she is assumed to be a *be'ulah*" to dismiss the claim of a *chazaka*. *R' Yehoshua* then closes that she is not believed, "until she can bring a proof that supports her claim" dismissing that the *migo* in extracting funds presented by *Rabban Gamliel*.

Granted the above thus far, how do we understand the expression: "We do not live by her word"? The *Tifferet Yisrael* cites the opinion in *Gemara Sanhedrin* (96) that there is city name *kushta* (truth) whose residents live very long lives since they never lie. The *Tifferet Yisrael* suggest that *R' Yehoshua* is contending, that in this case such speech does not extend life as she is assumed to be lying until she bring proof.

The *Tosfot R' Akiva Eiger* cites the *Talmidei R' Yonah* (cited in the *Shita Mekubetzet*) who explains that we find in *Pirkei Evot* that *emet* – truth – is one of the pillars of the world. Consequently, *R' Yehoshua* is arguing that we literally do not live by her word. In other words, since her claim is not assumed to be truth, it does not sustain the world; it does not sustain us. It is interesting to reflect on the difference between the explanation of *Tifferet Yisrael* and the *Talmidei R' Yonah*. According everyone, truth is life-giving. We find however according to the *Talmidei R' Yonah*, *R' Yehoshua* is stressing that "we" do not live by her word. The life-giving force of truth impacts not just the individual, but the entire world.

Revision Questions

יבמות א' – ב' – ד'

- On what day of the week would one marry a *betulah* and why? (א': א')
- On what day of the week would one marry an *almanah* and why? (א': א')
- What is the value of a *ketubah* for: (ב': א')
 - A *betulah*?
 - An *almanah*?
 - *Gerusha min ha'eirusin*?
- What are the three cases that R' Meir adds whose *ketubah* is also 200 and on which case do the *Chachamim* argue? (ג': א')
- What is the value of a *ketubah* for: (ד': א')
 - A *betulah almanah min ha'nesuin*?
 - A *giyoret*?
- Why did the *Mishnah* need to teach that an *almanat Yisrael* and an *almanat Kohen* have *ketubot* of the same value? (ה': א')
- Explain the two opinions regarding a case of *ta'ananat betulim* where:
 - She claims she was raped after they were engaged. (ו': א')
 - She claims she is a *mukat etz*. (ז': א')
- What is the third case that is debated in the same manner as the previous question? (ח': א')
- If a single woman is found pregnant, is she trusted when she says the father is a *kohen*? (ט': א')
- What did R' Yochanan ben Nuri rule, regarding a woman who was raped and whether she could then marry a *kohen* and why? (י': א')
- In a divorce case where the value of a *ketubah* is disputed (100 or 200), on what basis do they decide the value? (יא': ב')
- What case is brought in the *Mishnah* of "*ha'pe she'asar...*"? (יב': ב')
- When are witnesses to a contract believed if they claim they were forced to sign the document? (יג': ב')
- Explain the debate regarding whether it is enough if each of the witnesses on a contract to substantiate their own signature. (יד': ב')

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
 Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Mizrachi Shul
 Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
 9:00am
Kollel Magen Avraham
 Reemon Neighbourhood

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Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
8 April כ"ג ניסן	9 April כ"ד ניסן	10 April כ"ה ניסן	11 April כ"ו ניסן	12 April כ"ז ניסן	13 April כ"ח ניסן	14 April כ"ט ניסן
Ketubot 2:5-6	Ketubot 2:7-8	Ketubot 2:9-10	Ketubot 3:1-2	Ketubot 3:3-4	Ketubot 3:5-6	Ketubot 3:7-8

